

### **REMARKS**

Paragraphs [0002], [0020] and [0059] on pages 1, 6 and 12, respectively, of the specification have been amended to delete the word “novel.” No new matter has been added.

Claims 72-77, 80-91, and 94-100 are pending in this application. Claims 83-86 and 97-100 are withdrawn from consideration as being directed to a non-elected invention.

Claims 72 and 76 have been amended to delete the recitation “*Trichosanthes kirilowii Maxim.*” No new matter has been added.

Upon entry of the present amendments, claims 72-77, 80-91, and 94-100 will be pending in the present application.

#### **I. THE OBJECTION TO THE SPECIFICATION SHOULD BE WITHDRAWN**

The disclosure is objected to because the specification recites “novel” on pages 1, 6 and 12. As suggested by the Examiner, the word “novel” has been deleted from pages 1, 6 and 12 of the specification. Thus, the objection is obviated and should be withdrawn.

#### **II. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 102 SHOULD BE WITHDRAWN**

Claims 72-77, 80-82, 87-91 and 94-96 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Ozaki *et al.* (Biological & Pharmaceutical Bulletin, (1996 Aug) Vol. 19, No. 8, pp. 1046-8).

Regarding claims 72-77 and 80-82, although Applicants do not agree with the rejection, solely to expedite prosecution of this application, Applicants have amended claim 76. As amended, claim 76 recites a pharmaceutical composition comprising an extract from *Trichosanthes rosthornii Harms* or *Trichosanthes japonica Regal*. As previously discussed in the Amendment Under 37 C.F.R. § 1.111 filed May 31, 2007 (see pages 9-10), Ozaki *et al.* does not teach an extract from *Trichosanthes rosthornii Harms* or *Trichosanthes japonica Regal*. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Therefore, Ozaki *et al.* does not anticipate amended claim 72 and its dependent claims 73-77 and 80-82. Withdrawal of the rejection with respect to these claims is respectfully requested.

Regarding claims 87-91 and 94-96, Applicants submit that Ozaki also does not teach an extract that is made only from *Trichosanthes* plant using two different solvents. As previously discussed in the Amendment Under 37 C.F.R. § 1.111 filed May 31, 2007 (see pages 9-10), Ozaki *et al.* does not teach preparing an extract of *Trichosanthes* by contacting the plant with a first solvent having a polarity index greater than 2, and, subsequently, extracting with a second solvent having a polarity index less than that of the first solvent. Instead, Ozaki *et al.* only discloses extracting the fruit of *Trichosanthes kirilowii Maxim* with a 50% ethanol solution (see p.1046, col. 1, ¶4). Therefore, Ozaki *et al.* does not anticipate claim 87 and its dependent claims 88-91 and 94-96. Withdrawal of the rejection with respect to these claims is respectfully requested.

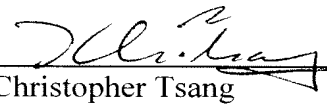
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**CONCLUSION**

Applicants respectfully request entry of the amendments and remarks made herein into the file history of the present application. Withdrawal of the Examiner's rejections and an allowance of the application are earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

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Respectfully submitted,

  
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Enclosures